

SENATE No. 856

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Requiring Hospitals to Notify Patients of Physician Discipline

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Moore, Richard (SEN)	Worcester and Norfolk
Richard J. Ross	9th Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex
Jennifer M. Callahan	18th Worcester
Bruce E. Tarr	First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01246 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REQUIRING HOSPITALS TO NOTIFY PATIENTS OF PHYSICIAN DISCIPLINE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any hospital providing services in the Commonwealth shall have a by-law
2 or bylaws which direct that the hospital, within 24 hours of instituting any disciplinary action
3 against any physician providing services within the hospital or becoming aware of any
4 disciplinary action taken by the hospital or by any subsidiary of the hospital or any physician
5 group contracting to provide services within the hospital against any physician providing
6 services within the hospital, shall notify all patients being cared for by that physician within that
7 hospital. Such notification shall include, but not necessarily be limited to, (a) a personal
8 discussion with the department chair or division chief, (b) a procedure to provide an alternative
9 physician qualified to continue providing medical care for the patient being notified with
10 attention to the needs and concerns of the patient, (c) a written account of the transfer of the
11 patients care to the newly assigned physician with procedures to ensure that all relevant hospital
12 records are properly updated, (d) a procedure to ensure that the newly appointed physician shall
13 introduce him or herself to the patient within 24 hours of the transfer of care taking place, (e) the

14 department chair shall confirm, within 24 hours of the transfer of care taking place, that the new
15 physician assignment is satisfactory to the patient, (f) the department chair or division chief shall
16 verify in writing that all of the above steps, and any additional procedures adopted by the
17 hospital, have taken place and such writing shall be delivered to the president of the hospital or
18 his or her designee.

19 SECTION 2. The term “hospital” shall mean any hospital licensed under section fifty-one of
20 chapter one hundred and eleven, the teaching hospital of the University of Massachusetts
21 Medical School and any psychiatric facility licensed under section nineteen of chapter nineteen.